

21. (new) The amusement apparatus of claim 19, further comprising at least two moveable elements moveably coupled to the body, each of the at least two moveable elements moveably coupled by one of at least two couplings.

22. (new) The amusement apparatus of claim 21 wherein the body and the at least two moveable elements are reconfigurable whereby the apparatus is transformable.

23. (new) The amusement apparatus of claim 22 wherein the at least two couplings are configured to allow the body and the at least two moveable elements to be reconfigurable.

24. (new) The amusement apparatus of claim 19 further comprising a data card reader configured to be capable of reading a data card whereby the microprocessor is actuated.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Marked-up Version Showing Changes.**"

REMARKS

Based on the above amendments, claims 1-3, 6-12, 14, and 16 have been amended, claims 18-24 have been added, and claims 4-5 and 17 have been canceled. Claims 1-3, 6-16, and 18-24 are currently pending in the present application.

In the Office Action, claims 3-4 and 6-8 of the present application were provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 5-9 of copending Application No. 09/966,680 ("Hornsby III"). Further, claims 1-2, 9, and 17 were provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 12-13, 33, and 43 of copending Application No. 09/931,570 ("Hornsby I") in view of Tachau et al. ("Tachau"). In addition, claims 1-2 and 9 were provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 and 10 of Hornsby III.

Claims 3-8, 10-12, 14, and 16 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Further, claims 1 and 3-8 were rejected under 35 U.S.C.

§ 102(b) as being anticipated by prior art references. Claim 1 was rejected as anticipated by Li et al. ("Li") and claims 3-8 were rejected as anticipated by Simms or Pearson et al. ("Pearson").

Claims 2-17, were rejected under 35 U.S.C. § 103(a) for obviousness. Claims 2 and 9-16 were rejected as being unpatentable over Mathieu et al. ("Mathieu") in view of Lebensfeld et al. ("Lebensfeld"). In addition, claims 3-8 were rejected as being unpatentable over Simms in view of Gabai et al. ("Gabai"). Further, claims 9 and 17 were rejected as being unpatentable over Mathieu in view of Li. Finally, claims 9 and 17 were rejected as being unpatentable over Lebensfeld in view of Mathieu and Li.

I. Statutory Double Patenting Rejection

Claims 3-4 and 6-8 of the present application were provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 5-9 of Hornsby III. Claim 4 has been canceled. It is respectfully submitted that claims 3 and 6-8 do not claim the same invention as that of claims 5-9 of Hornsby III.

A. Independent Claim 3 Does Not Claim the Same Invention as Hornsby III

Claim 3, as amended, requires compiling a number of the information carrying cards, wherein the information carrying cards carry game and control information, the control information adapted to actuate an amusement device, the amusement device configured to be further actuable by an actuating key coupleable with the amusement device. It is respectfully submitted that claim 3, as amended, does not claim the same invention as that of claims 5-9 of Hornsby III.

Accordingly, claim 3 stands in condition for allowance.

B. Claims Depending from Claim 3 Do Not Claim the Same Invention as Hornsby III

Because claims 6-8 depend directly or indirectly from claim 3 and incorporate all the limitations of claim 3, the above amendment and argument obviates the basis for this ground of rejection. Thus, claims 6-8 do not claim the same invention as that of claims 5-9 of Hornsby III. Reconsideration and withdrawal of the rejections is respectfully requested.

II. Obviousness-Type Double Patenting Rejections

Claims 1-2, 9, and 17 were provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 12-13, 33, and 43 of Hornsby I in view of Tachau. Further, claims 1-2 and 9 were provisionally rejected under the doctrine of obviousness-

type double patenting as being unpatentable over claims 1-2 and 10 of Hornsby III. Claim 17 has been canceled.

Applicants would be willing to file a terminal disclaimer under 37 C.F.R. § 1.321(c) upon a finding of allowability for claims 1-2 and 9, thereby obviating the basis for the rejections. Trendmasters, Inc. is owner of 100 percent interest in the present application, Hornsby I, and Hornsby III. Reconsideration and withdrawal of the rejections is respectfully requested.

III. § 112 Rejections

Claims 3-8, 10-12, 14, and 16 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 4-5 have been canceled. Claims 3, 6, 10-12, 14, and 16 have been amended to more particularly point out and distinctly claim the subject matter of the present invention.

Applicants respectfully submit that the scope of amended claims 6, 10-12, 14, and 16 are equivalent to the claims as originally presented. The amendments were made only to comply with 35 U.S.C. § 112 and should not be interpreted to materially limit the scope of the claims and equivalents thereof.

A. Independent Claim 3 is Not Indefinite

Claim 3 was rejected as indefinite because the method step of “building a battle deck” could not be determined. Claim 3, as amended, requires compiling a number of the information carrying cards. It is respectfully submitted that claim 3, as amended, particularly points out and distinctly claims the subject matter which Applicants regard as the present invention.

Accordingly, claim 3 stands in condition for allowance.

B. Claims Depending from Claim 3 Are Not Indefinite

Because claims 6-8 depend directly or indirectly from claim 3 and incorporate all the limitations of claim 3, the above amendment and argument obviates the basis for this ground of rejection. Thus, claims 6-8 are not indefinite. Reconsideration and withdrawal of the rejections is respectfully requested.

C. Dependent Claim 10 is Not Indefinite

Claim 10 was rejected as indefinite because the structural features encompassed by the claim could not be determined. Claim 10, as amended, is directed to an interactive amusement device comprising at least two transport elements, the microprocessor being configured to control speed of travel by controlling the at least two transport elements. It is respectfully

submitted that claim 10, as amended, particularly points out and distinctly claims the subject matter which Applicants regard as the present invention.

Accordingly, claim 10 stands in condition for allowance.

D. Dependent Claim 11 is Not Indefinite

Claim 11 was rejected as indefinite because the structural features encompassed by the claim could not be determined. Claim 11, as amended, is directed to an interactive amusement device comprising armor, the microprocessor being configured to control positioning of the armor. It is respectfully submitted that claim 11, as amended, particularly points out and distinctly claims the subject matter which Applicants regard as the present invention.

Accordingly, claim 11 stands in condition for allowance.

E. Dependent Claim 12 is Not Indefinite

Claim 12 was rejected as indefinite because the structural features encompassed by the claim could not be determined. Claim 12, as amended, is directed to an interactive amusement device comprising a weapon, the microprocessor being configured to control at least one function of the weapon. It is respectfully submitted that claim 12, as amended, particularly points out and distinctly claims the subject matter which Applicants regard as the present invention.

Accordingly, claim 12 stands in condition for allowance.

F. Dependent Claim 14 is Not Indefinite

Claim 14 was rejected as indefinite because it was unclear what structural feature prevented a second flag from being received in an engagement slot. Claim 14, as amended, is directed to an interactive amusement device wherein the base and engagement slot each have a mating shape so as to prevent a second flag having an incompatible shape from being received in the engagement slot. It is respectfully submitted that claim 14, as amended, particularly points out and distinctly claims the subject matter which Applicants regard as the present invention.

Accordingly, claim 14 stands in condition for allowance.

G. Dependent Claim 16 is Not Indefinite

Claim 16 was rejected as indefinite because it was unclear what structural feature prevented an attachment from being received in an engagement slot. Claim 16, as amended, is directed to an interactive amusement device wherein the peg and the engagement slot each have a mating shape so as to prevent an attachment having an incompatible shape from being received

in the engagement slot. It is respectfully submitted that claim 16, as amended, particularly points out and distinctly claims the subject matter which Applicants regard as the present invention.

Accordingly, claim 16 stands in condition for allowance.

IV. § 102(b) Rejections

Claim 1 was rejected under 35 U.S.C. § 102(b) as anticipated by Li. Claims 3-8 were rejected under 35 U.S.C. § 102(b) as anticipated by Simms or Pearson. Claims 4-5 have been canceled. It is respectfully submitted that claims 1, 3, and 6-8 are not anticipated.

A. Independent Claim 1 Is Not Anticipated by Li

Claim 1, as amended, is directed to an amusement device having a means for mechanical keying.

Li discloses an audio device and control cards with identification labels that connect electrically with a control circuit in the audio device to control a memory module to output digitized audio data. Li does not disclose a means for mechanical keying.

Li, therefore, fails to disclose an amusement device having a means for mechanical keying. Accordingly, claim 1 stands in condition for allowance.

B. Independent Claim 3 Is Not Anticipated by Simms or Pearson

Claim 3, as amended, requires compiling a number of the information carrying cards, wherein the information carrying cards carry game and control information, the control information adapted to actuate an amusement device, the amusement device configured to be further actuable by an actuating key coupleable with the amusement device.

In contrast to the present invention, Simms discloses wrestling images on playing cards to be sequentially displayed in a match between competitors and an apparatus for displaying those images. Simms does not disclose information carrying cards and an actuating key coupleable with the amusement device.

Also in contrast to the present invention, Pearson discloses a card element containing player input data that can be supplied to a software-based control system and also functioning as a trading card. Pearson does not disclose information carrying cards and an actuating key coupleable with the amusement device.

Simms and Pearson, therefore, fail to disclose a game method including compiling a number of the information carrying cards, wherein the information carrying cards carry game and control information, the control information adapted to actuate an amusement device, the

amusement device configured to be further actuable by an actuating key coupleable with the amusement device. Accordingly, claim 3 stands in condition for allowance.

C. Claims Depending from Claim 3 Are Patentable

Because claims 6-8 depend directly or indirectly from claim 3 and incorporate all the limitations of claim 3, the above argument obviates the basis for this ground of rejection. Thus, claims 6-8 are not anticipated by Simms or Pearson. Reconsideration and withdrawal of the rejection is respectfully requested.

V. § 103(a) Rejections

Claims 2 and 9-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mathieu in view of Lebensfeld. In addition, claims 3-8 were rejected as being unpatentable over Simms in view of Gabai. Further, claims 9 and 17 were rejected as being unpatentable over Mathieu in view of Li. Finally, claims 9 and 17 were rejected as being unpatentable over Lebensfeld in view of Mathieu and Li.

Claims 4-5 and 17 have been canceled. It is respectfully submitted that claims 2-3 and 6-16 are not obvious.

A. Independent Claim 2 Is Not Made Obvious by Mathieu in View of Lebensfeld Because the Cited References Do Not Disclose the Invention As Claimed

Claim 2, as amended, is directed to a transforming interactive amusement device having a key receiving device associated with the body, the key receiving device adapted to receive a keying device which actuates data transfer to a microprocessor, wherein the data enables a function of the device.

Mathieu discloses a gaming system with two controlled units that transmit and receive infrared signals. As noted in the Office Action, Mathieu does not teach or suggest a device having a key receiving device. See Office Action, p. 7, ll. 21-23.

Lebensfeld fails to remedy the deficiencies of Mathieu. Lebensfeld discloses a toy object with apparatus for playing a shooting game. The toy object can have input controls, circuitry, and/or a computer to program the device and upload and download programming. That is, Lebensfeld teaches components for *programming* the device. Lebensfeld does not teach or suggest or cite any references that teach or suggest a key receiving device adapted to receive a keying device which *actuates* data transfer to a microprocessor.

Neither of the references, alone or in combination, teach or suggest, provide any motivation or expectation of success to one having ordinary skill in the art to provide a

transforming interactive amusement device having a key receiving device adapted to receive a keying device which actuates data transfer to a microprocessor. Therefore, one of ordinary skill in the art would find no motivation or expectation of success in the cited references, alone or in combination, to provide a transforming interactive amusement device having a key receiving device associated with the body, the key receiving device adapted to receive a keying device which actuates data transfer to a microprocessor, wherein the data enables a function of the device.

B. Independent Claim 2 Is Not Made Obvious by Mathieu in View of Lebensfeld Because Lebensfeld Teaches Away from the Combination

Lebensfeld discloses a toy object with apparatus for playing a shooting game. The reference teaches that “[t]here is a need for a simple, low cost toy,” and further teaches that interactive toys that “are required to perform interactive tasks under remote control” such as disclosed in U.S. Patent No. 4,938,483 “likely are relatively expensive and may be difficult for younger children to operate.” See Lebensfeld, col. 1, l. 60 – col. 2, l. 19. Lebensfeld, therefore, teaches away from interactive toys that are required to perform interactive tasks under remote control that may be difficult for younger children to operate.

Lebensfeld teaches away from the combination with Mathieu, because Mathieu discloses interactive toys that are required to perform interactive tasks under remote control. The reference discloses a gaming system with two controlled units that transmit and receive infrared signals. The remote controllers require the performance of interactive tasks, because each controller has both directional controls and a fire control. Thus, Lebensfeld teaches away from the combination with Mathieu.

Given that Lebensfeld teaches away from the combination with Mathieu, claim 2 stands in condition for allowance.

C. Independent Claim 9 Is Not Made Obvious by Mathieu in View of Lebensfeld Because the Cited References Do Not Disclose the Invention As Claimed

Claim 9, as amended, is directed to an interactive amusement system having a key receiving device associated with the body, the key receiving device adapted to actuate the microprocessor when a keying device is inserted into the key receiving device, and a data card reader configured to read a data card, whereby a function of the microprocessor is modified.

As discussed above, Mathieu discloses a gaming system with two controlled units that transmit and receive infrared signals. As noted in the Office Action, Mathieu does not teach or

suggest a device having a key receiving device. See Office Action, p. 7, ll. 21-23. Mathieu also fails to teach or suggest a device having a data card reader.

Lebensfeld fails to remedy the deficiencies of Mathieu. Lebensfeld discloses a toy object with apparatus for playing a shooting game. The toy object can have input controls, circuitry, and/or a computer to program the device and upload and download programming. That is, Lebensfeld teaches components for *programming* the device. Lebensfeld does not teach or suggest or cite any references that teach or suggest a key receiving device adapted to actuate the microprocessor when a keying device is inserted into the key receiving device. Further, Lebensfeld fails to teach or suggest a data card reader.

Neither of the references, alone or in combination, teach or suggest, provide any motivation or expectation of success to one having ordinary skill in the art to provide an interactive amusement system having a key receiving device adapted to actuate the microprocessor when a keying device is inserted into the key receiving device and a data card reader. Therefore, one of ordinary skill in the art would find no motivation or expectation of success in the cited references, alone or in combination, to provide an interactive amusement system having a key receiving device associated with the body, the key receiving device adapted to actuate the microprocessor when a keying device is inserted into the key receiving device, and a data card reader configured to read a data card, whereby a function of the microprocessor is modified.

D. Independent Claim 9 Is Not Made Obvious by Mathieu in View of Lebensfeld Because Lebensfeld Teaches Away from the Combination

As discussed above, Lebensfeld discloses a toy object with apparatus for playing a shooting game. The reference teaches that “[t]here is a need for a simple, low cost toy,” and further teaches that interactive toys that “are required to perform interactive tasks under remote control” such as disclosed in U.S. Patent No. 4,938,483 “likely are relatively expensive and may be difficult for younger children to operate.” See Lebensfeld, col. 1, l. 60 – col. 2, l. 19. Lebensfeld, therefore, teaches away from interactive toys that are required to perform interactive tasks under remote control that may be difficult for younger children to operate.

Lebensfeld teaches away from the combination with Mathieu, because Mathieu discloses interactive toys that are required to perform interactive tasks under remote control. The reference discloses a gaming system with two controlled units that transmit and receive infrared signals. The remote controllers require the performance of interactive tasks, because each

controller has both directional controls and a fire control. Thus, Lebensfeld teaches away from the combination with Mathieu.

Given that Lebensfeld teaches away from the combination with Mathieu, claim 9 stands in condition for allowance.

E. Claims Depending from Claim 9 Are Patentable

Because claims 10-16 depend directly or indirectly from claim 9 and incorporate all the limitations of claim 9, the above arguments obviate the basis for this ground of rejection. Thus, claims 10-16 are not made obvious by Mathieu in view of Lebensfeld. Reconsideration and withdrawal of the rejection is respectfully requested.

F. Independent Claim 3 Is Not Made Obvious by Simms in View of Gabai Because the Cited References Do Not Disclose the Invention As Claimed

Claim 3, as amended, requires compiling a number of the information carrying cards, wherein the information carrying cards carry game and control information, the control information adapted to actuate an amusement device, the amusement device configured to be further actuable by an actuating key coupleable with the amusement device.

Simms teaches the use of wrestling images on playing cards to be sequentially displayed in a match between competitors and an apparatus for displaying those images. Simms does not teach or suggest information carrying cards and an actuating key coupleable with the amusement device.

Gabai fails to remedy the deficiencies of Simms. The reference discloses a wireless computer-controlled toy. Gabai fails to teach or suggest information carrying cards or an actuating key coupleable with the amusement device.

Neither of the references, alone or in combination, teach or suggest, provide any motivation or expectation of success to one having ordinary skill in the art to provide a game method comprising compiling a number of information carrying cards wherein an amusement device is configured to be actuable by an actuating key coupleable with the amusement device. Neither of the references, alone or in combination, teach or suggest information carrying cards or an actuating key coupleable with the amusement device. Therefore, one of ordinary skill in the art would find no motivation or expectation of success in the cited references, alone or in combination, to provide a game method requiring compiling a number of the information carrying cards, wherein the information carrying cards carry game and control information, the

control information adapted to actuate an amusement device, the amusement device configured to be further actuable by an actuating key coupleable with the amusement device.

G. Claims Depending from Claim 3 Are Patentable

Because claims 6-8 depend directly or indirectly from claim 3 and incorporate all the limitations of claim 3, the above argument obviates the basis for this ground of rejection. Thus, claims 6-8 are not made obvious by Simms in view of Gabai. Reconsideration and withdrawal of the rejection is respectfully requested.

H. Independent Claim 9 Is Not Made Obvious by Mathieu in View of Li Because the Cited References Do Not Disclose the Invention As Claimed

Claim 9, as amended, is directed to an interactive amusement system having a key receiving device associated with the body, the key receiving device adapted to actuate the microprocessor when a keying device is inserted into the key receiving device, and a data card reader configured to read a data card, whereby a function of the microprocessor is modified.

As discussed above, Mathieu discloses a gaming system with two controlled units that transmit and receive infrared signals. As noted in the Office Action, Mathieu does not teach or suggest a device having a key receiving device and a card reader. See Office Action, p. 9, ll. 2-4.

Li fails to remedy the deficiencies of Mathieu. Li discloses a toy with a card slot. Li does not teach or suggest an amusement device having *both* a key receiving device *and* a data card reader.

Neither of the references, alone or in combination, teach or suggest, provide any motivation or expectation of success to one having ordinary skill in the art to provide an interactive amusement system having a key receiving device and a data card reader. Therefore, one of ordinary skill in the art would find no motivation or expectation of success in the cited references, alone or in combination, to provide an interactive amusement system having a key receiving device associated with the body, the key receiving device adapted to actuate the microprocessor when a keying device is inserted into the key receiving device, and a data card reader configured to read a data card, whereby a function of the microprocessor is modified.

I. Independent Claim 9 Is Not Made Obvious by Lebensfeld in View of Mathieu and Li Because the Cited References Do Not Disclose the Invention as Claimed

Claim 9, as amended, is directed to an interactive amusement system having a key receiving device associated with the body, the key receiving device adapted to actuate the microprocessor when a keying device is inserted into the key receiving device, and a data card reader configured to read a data card, whereby a function of the microprocessor is modified.

As described above, Lebensfeld teaches a toy object with apparatus for playing a shooting game. Lebensfeld does not teach or suggest or cite any references that teach or suggest a key receiving device and a data card reader.

Mathieu fails to remedy the deficiencies of Lebensfeld. As discussed above, Mathieu discloses a gaming system with two controlled units that transmit and receive infrared signals. As noted in the Office Action, Mathieu does not teach or suggest a device having a key receiving device and a card reader. See Office Action, p. 9, ll. 2-4.

Li fails to remedy the deficiencies of Lebensfeld and Mathieu. Li discloses a toy with a card slot. Li does not teach or suggest an amusement device having *both* a key receiving device *and* a data card reader.

Neither of the references, alone or in combination, teach or suggest, provide any motivation or expectation of success to one having ordinary skill in the art to provide an interactive amusement system having a key receiving device and a data card reader. Therefore, one of ordinary skill in the art would find no motivation or expectation of success in the cited references, alone or in combination, to provide an interactive amusement system having a key receiving device associated with the body, the key receiving device adapted to actuate the microprocessor when a keying device is inserted into the key receiving device, and a data card reader configured to read a data card, whereby a function of the microprocessor is modified.

VI. Conclusion

Applicants have obviated by amendment the provisional statutory double patenting rejection of claims 3 and 6-8. Applicants have also obviated, by expressing a conditional willingness to file terminal disclaimers, the provisional obviousness-type double patenting rejections of claims 1-2 and 9. Applicants further have obviated by amendment the indefiniteness rejections of claims 3, 6-8, 10-12, 14, and 16. In addition, Applicants have obviated by amendment and argument the anticipation rejections of claims 1, 3, and 6-8. Finally, Applicants have obviated by amendment and argument the obviousness rejections of claims 2-3,

and 6-16. Applicants have canceled claims 4-5 and 17 without prejudice and added new claims 18-24 to more fully claim the present invention.

A petition for a three-month extension of time to respond (from November 7, 2002 – February 7, 2003) is enclosed herewith, along with a check in the amount of \$516, \$465 of which to cover the fee associated with the petition, and \$51 of which to cover the extra claims fee. The Office is also hereby authorized to charge any additional fees associated with this communication or the petition to Deposit Account 04-1420.

Consequently, claims 1-3, 6-16, and 18-24 are allowable. Reconsideration and a Notice of Allowance for all pending claims is respectfully requested.

Respectfully submitted,

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MARKED-UP VERSION SHOWING CHANGES

IN THE CLAIMS

Cancel claims 4-5 and 17.

1. (amended) An amusement device comprising:

a body;

features carried by the body;

means for powering the device and at least some of the features, said means for powering carried by the body;

means for mechanical keying, said means for mechanical keying discrete from the device, and means for receiving the means for mechanical keying, said means for receiving carried by the body; and

a microprocessor operably coupled to the means for powering and means for receiving.

2. (amended) A transforming interactive amusement device comprising:

(a) a body;

(b) at least two transport elements moveably connected to the body;

(c) at least two arms moveably connected to the body;

(d) a motor associated with the body, the motor operably coupled to the at least two transport elements;

(e) a microprocessor operably coupled to the motor, the microprocessor being adapted to command the motor to perform an action;

(f) a key receiving device associated with the body, the key receiving device adapted to receive a keying device which [enables] actuates data transfer to [reach] a microprocessor, wherein the data enables a function of the device;

(g) a wireless receiver associated with the body, the wireless receiver adapted to receive a wireless communication and transmit the wireless communication to the microprocessor;

(h) a unit wireless transmitter associated with the body, the unit wireless transmitter operably coupled with the microprocessor and capable of wireless communication with a second interactive amusement device; and

(i) a remote wireless transmitter operably coupled by wireless communication with the wireless receiver; wherein

(j) the device transforms into at least two different forms.

3. (amended) A game method using a number of information carrying cards, wherein the game comprises the steps of:

[building a "battle" deck comprising]compiling a number of the information carrying cards, wherein the information carrying cards carry game and control information, the control information adapted to actuate an amusement device, the amusement device configured to be further actuable by an actuating key coupleable with the amusement device;

distributing the cards to players; and

players using the game information against each other to try to achieve victory over other players.

6. (amended) The game according to claim [4]3, wherein the amusement device[s] acts according to the control information carried on [a]one of the information carrying cards.

7. (amended) The game according to claim 6, wherein the amusement device[s] also acts in association with the games being played with the information carrying cards[cards].

8. (amended) The game according to claim [4]3, wherein the information carrying cards are collectable.

9. (amended) An interactive amusement system[capable of a functions and] comprising:

- (a) a body;
- (b) a motor associated with the body;
- (c) a microprocessor operably coupled to the motor, the microprocessor being adapted to command the motor to perform an action;
- (d) a wireless receiver associated with the body, the wireless receiver adapted to receive a wireless communication and transmit the wireless communication to the microprocessor;
- (e) a unit wireless transmitter associated with the body, the unit wireless transmitter operably coupled with the microprocessor and capable of wireless communication with a second interactive amusement device;
- (f) a remote wireless transmitter operably coupled by wireless communication with the wireless receiver;

(g) a key receiving device associated with the body, the key receiving device adapted to actuate the microprocessor when a keying device is inserted into the key receiving device[.];
and

(h) a data card reader configured to read a data card, whereby a function of the microprocessor is modified.

10. (amended) The interactive amusement device of claim 9 further comprising at least two transport elements, [wherein a function of the amusement device is a speed of travel of the amusement device], the microprocessor being configured to control speed of travel by controlling the at least two transport elements.

11. (amended) The interactive amusement device of claim 9 further comprising armor, [wherein a function of the amusement device is an armor setting] the microprocessor being configured to control positioning of the armor.

12. (amended) The interactive amusement device of claim 9 further comprising a weapon, [wherein a function of the amusement device is a weapons setting] the microprocessor being configured to control at least one function of the weapon.

14. (amended) The interactive amusement device of claim 13, wherein the base and engagement slot each have a mating shape so as to prevent a second flag having an incompatible shape [different function]from being received in the engagement slot.

16. (amended) The interactive amusement device of claim 15, wherein the peg and the engagement slot each have a mating shape so as to prevent an attachment having an incompatible shape [different function]from being received in the engagement slot.

18. (new) The amusement device of claim 1, wherein the means for mechanical keying is a means for electromechanical keying.

19. (new) An amusement apparatus comprising:

- (a) a body;
- (b) a motor associated with the body;
- (c) a microprocessor operably coupled to the motor, the microprocessor configured to actuate the motor to propel an action; and
- (d) a shape-specific key receiving device, the shape-specific key receiving device configured to be actuable by a shape-specific key whereby the microprocessor is actuated.

20. (new) The amusement apparatus of claim 19, further comprising:

- (a) a wireless receiver associated with the body, the wireless receiver adapted to receive a wireless communication and transmit the wireless communication to the microprocessor;
- (b) a unit wireless transmitter associated with the body, the unit wireless transmitter operably coupled with the microprocessor and capable of wireless communication with a second interactive amusement device; and
- (c) a remote wireless transmitter operably coupled by wireless communication with the wireless receiver.

21. (new) The amusement apparatus of claim 19, further comprising at least two moveable elements moveably coupled to the body, each of the at least two moveable elements moveably coupled by one of at least two couplings.

22. (new) The amusement apparatus of claim 21 wherein the body and the at least two moveable elements are reconfigurable whereby the apparatus is transformable.

23. (new) The amusement apparatus of claim 22 wherein the at least two couplings are configured to allow the body and the at least two moveable elements to be reconfigurable.

24. (new) The amusement apparatus of claim 19 further comprising a data card reader configured to be capable of reading a data card whereby the microprocessor is actuated.